

April 15 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Alan F. McCormick
GARLINGTON, LOHN & ROBINSON, PLLP
199 West Pine • P.O. Box 7909
Missoula, MT 59807-7909
Telephone (406) 523-2500
Telefax (406) 523-2595
afmccormick@garlington.com

Attorneys for Appellees

FILED

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 09-0322

PLAINS GRAINS LIMITED
PARTNERSHIP, a Montana limited
partnership; PLAINS GRAINS, INC., a
Montana corporation; ROBERT E.
LASSILA and EARLYNE A. LASSILA;
KEVIN D. LASSILA and STEFFANI J.
LASSILA; KERRY ANN (LASSILA)
FRASER; DARYL E. LASSILA and
LINDA K. LASSILA; DOROTHY
LASSILA; DAN LASSILA; NANCY
LASSILA BIRTWISLE; CHRISTOPHER
LASSILA; JOSEPH W. KANTOLA and
MYRNA R. KANTOLA; KENT HOLTZ;
HOLTZ FARMS, INC., a Montana
corporation; MEADOWLARK FARMS, a
Montana partnership; JON C.
KANTOROWICZ and CHARLOTTE
KANTOROWICZ; JAMES FELDMAN and
COURTNEY FELDMAN; DAVID P.
ROEHM and CLAIRE M. ROEHM;
DENNIS N. WARD and LaLONNIE
WARD; JANNY KINION-MAY; C LAZY J
RANCH; CHARLES BUMGARNER and
KARLA BUMGARNER; CARL W.
MEHMKE and MARTHA MEHMKE;
WALTER MEHMKE and ROBIN

**APPELLEES' RESPONSE TO
SME'S SECOND MOTION TO
DISMISS**

MEHMKE; LOUISIANA LAND &
LIVESTOCK, LLC, a limited liability
corporation; GWIN FAMILY TRUST, U/A
DATED SEPTEMBER 20, 1991; FORDER
LAND & CATTLE CO.; WAYNE W.
FORDER and DOROTHY FORDER;
CONN FORDER and JEANINE FORDER;
ROBERT E. VIHINEN and PENNIE
VIHINEN; VIOLET VIHINEN; ROBERT
E. VIHINEN, TRUSTEE OF ELMER
VIHINEN TRUST; JAYBE D. FLOYD and
MICHAEL E. LUCKETT, TRUSTEES OF
THE JAYBE D. FLOYD LIVING TRUST;
ROBERT M. COLEMAN and HELEN A.
COLEMAN; GARY OWEN and KAY
OWEN; RICHARD W. DOHRMAN and
ADELE B. DOHRMAN; CHARLES
CHRISTENSEN and YULIYA
CHRISTENSEN; WALKER S. SMITH, JR.
and TAMMIE LYNNE SMITH; JEROME
R. THILL; AND MONTANA
ENVIRONMENTAL INFORMATION
CENTER, a Montana nonprofit public
benefit corporation

Appellants,

v.

BOARD OF COUNTY COMMISSIONERS
OF CASCADE COUNTY, the governing
body of the County of Cascade, acting by
and through Peggy S. Beltrone, Lance Olson
and Joe Briggs,

Appellees,

and

SOUTHERN MONTANA ELECTRIC

GENERATION and TRANSMISSION
COOPERATIVE, INC.; the ESTATE OF
DUANE L. URQUHART; MARY
URQUHART; SCOTT URQUHART; and
LINDA URQUHART,

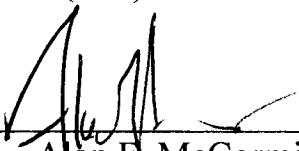
Appellees/Cross-Appellants.

The Board of County Commissioners of Cascade County files this Response to SME's Second Motion to Dismiss Appeal on Ground of Mootness to give notice that it concurs with the Motion and finds it consistent with the points previously made by the Commissioners in their Supplemental Brief on the Issue of Mootness.

DATED this 13th day of April, 2010.

Attorneys for Appellees Board of County
Commissioners of Cascade County:

GARLINGTON, LOHN & ROBINSON, PLLP
199 West Pine • P. O. Box 7909
Missoula, MT 59807-7909
Telephone (406) 523-2500
Telefax (406) 523-2595

By 
Alan F. McCormick

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CERTIFICATE OF SERVICE

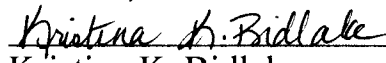
I hereby certify that I served true and accurate copies of the foregoing
Appellees' Response to SME's Second Motion to Dismiss by depositing said copies
into the U.S. mail, postage prepaid, addressed to the following on April 13, 2010:

Brian Hopkins
Deputy Cascade County Attorney
121 4th Street North
Great Falls, MT 59401
Attorneys for Appellees

Elizabeth A. Best
Best Law Offices, P.C.
P. O. Box 2114
Great Falls, MT 59403-2114
Attorneys for Appellants

Roger M. Sullivan
John F. Lacey
McGarvey, Heberling, Sullivan
& McGarvey, P.C.
745 South Main
Kalispell, MT 59901
Attorneys for Appellants

Gary M. Zadick
Mary K. Jaraczski
Ugrin, Alexander, Zadick
& Higgins, P.C.
P. O. Box 1746
Great Falls, MT 59403-1746
Attorneys for Intervenors and
Appellees



Kristina K. Bidlake